

OFFICIAL MINUTES OF THE GOODLETTSVILLE
BOARD OF ZONING APPEALS

Date: September 17, 2007

Time: 5:00 PM

Place: Massie Chambers - Goodlettsville City Hall

Members Present: Tom Mosier, Owen Sanders, Al Jernigan

Members Absent: Glen Garrett, Ed Lowe

Also Present: Rick Gregory, Vicky Ignatz, Bennie Lane, Alison Boon, Scott Frady, Linda Cartwright Darden, James Darden, Kelly Bosch, James Paradise, Andrew Ward and others

The meeting was called to order by Tom Mosier, Chairman.

Motion by Jernigan to approve, as written, the minutes of the August 13, 2007 Board of Zoning and Sign Appeals. Motion seconded by Sanders. Motion passed unanimously, 3-0.

CASE NO. 07-09-528 Consider the request for Zoning Ordinance variances to the bulk, yard and density regulations in the Agricultural (A) zoning district for a legally non-complying property at 1166 Campbell Road, Davidson County Tax Map 33-06, Parcel 21. The applicant is Alisa Boon, 1207 Hitt Lane, Goodlettsville, TN, power of attorney for property owner Nannie P. Malone.

Gregory reported this request comes to the board under very usual circumstances. The house at 1166 Campbell Road was built in 1961 after issuance of a building permit containing the notation "This permit issued pas (sic) per instruction of the Board of Zoning Adjustments. Appeal Case No. 61-3". The file for this permit contains several revoked permits, so staff has to assume that it was difficult to fit a house on this small (0.18 acre) lot even in 1961. To further complicate the matter, the minutes book for that meeting contains a page stating "Year 1961 - All minutes and papers on Appeals Cases 61-3 and 61-4 were with Mr. Bill Pitts at the time of his death and were never returned to the city for file." Enough though the house exists according to those instructions, they cannot be know today. The only alternative is to review this request again as if it had not been to the board and given consideration according to the facts as they exist.

This request is for a small house (approximately 900 square feet) on a small parcel (approximately 7841 square feet or 0.18 acres) in the Agricultural zoning district. The property has been zoned Agricultural since it was originally zoned after Goodlettsville incorporated as a city. The Agricultural district requires each lot to be at least 5 acres in size, have setbacks of 75 feet front yard, 40 feet for both side yards, 40 feet rear yard and at least 150 feet lot width. The dimensions of this lot are approximately 78 feet wide by 102 feet deep. It is obvious from the dimensions of this property that relief is needed from the setbacks, size and lot width. This application arose from a request for a "rebuild" letter - simply stated, a letter from the city stating that in the event of destruction, the house could be rebuilt. Without records of that previous board action, staff could not issue such letter, therefore, the need for this review. The request before the board is for approval to rebuild the existing house in the event of destruction.

Alisa Boon, Power-of-Attorney for Nannie P. Malone, stated that the request is for relief from Agricultural zoning requirements. The property was purchased by Mrs. Malone through an auction process and recorded quit claim deeds.

Motion by Jernigan to approve a zoning variance to the Goodlettsville Zoning Ordinance regarding lot size, lot width and bulk zoning regulations for the property identified as 1166 Campbell Road, Davidson County Tax Map 33-06, Parcel 21 in lieu of the missing Official Minutes of the 1961 Goodlettsville Board of Zoning Appeals meeting and the inability of this lot to meet the current Agricultural Zoning District regulations for lot size, lot width, and bulk zoning regulations. The board approves the issuance of a "rebuild letter" relating to this property. Motion seconded by Sanders. Motion passed unanimously, 3-0.

ORDER OF THE BOARD

WHEREAS; the public has been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14-1408 (a)(b)(c) of the Goodlettsville Zoning Ordinance have been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, that the request for a "rebuild letter" for the property identified as 1166 Campbell Road, Davidson County Tax Map 33-06, Parcel 21 be granted based on the missing Official Minutes of the 1961 the Goodlettsville Board of Zoning Appeals meeting indicating original variances to this lot and based on the inability of this lot to meet the current Agricultural Zoning District regulations for lot size, lot width, and bulk zoning regulations.

CASE NO. 07-09-529 Consider the request for a Zoning Ordinance variance to the R-10 residential zoning district requirement for an attached one-car garage at 216 Bell Street, Davidson County Tax Map 18-16, Parcels 18 & 19. The applicant is Scott Frady, Jim Walter Homes representing Linda Cartwright Darden, 452 Moss trail, Goodlettsville, TN.

Staff reviewed. Gregory reported this property was recently approve by the Planning Commission for consolidation of an existing parcel with a remnant along New brick Church Pike to created a single, 0.24 acre parcel with frontage on New Brick Church Pike. The dimension of the new parcel is approximately 105 feet wide by approximately 100 feet deep. Setbacks in the R-10 zoning district are 30 feet front setback, 10 feet side yard setbacks and twenty feet rear setback, yielding a building envelope of roughly eighty feet wide by 55 feet deep. This lot size now meets the R-10 district size requirements, approximately 10,455 square feet. The reason for this request is for relief from a zoning requirement of a one car attached garage in the R-10 zoning district. Standards for Variances are enumerated in Chapter 14, Section 1405(c) of the Goodlettsville Zoning Ordinance. Upon review of the standards, it appears that none of the standards for a variance have been met. If the reason for this request in for monetary reasons, the standards specifically address this issue as not being a valid reason for a variance.

Scott Frady, Jim Walter Homes, stated that the proposed building footprint measures 50 feet by 50 feet allowing 1,800 square feet of living space. The required one car garage will not fit on the lot with the current building footprint. The living quarters will need to be reduced to approximately 1,250 square feet to accommodate the required garage which will greatly reduce the quality of living for the owners while incurring additional financial costs for smaller living space. Mr. Frady asked the board to consider that most of the other homes in the neighborhood do not include garages and a new residential structure on Bell is being built without the benefit of a garage. Gregory responded that homes being reconstructed due to tornado damage were granted multiple variances. Mosier explained that the Zoning Ordinance is very clear when there has not been an established hardship provided to grant a variance. However, should it be determined that other homes in the neighborhood are being built without the required one car garage, then the board can reconsider the Darden's variance request.

Motion by Mosier to deny the request for a zoning variance to the Goodlettsville Zoning Ordinance as it relates to the R-10 residential zoning district requirement of a one-car garage for new construction at 216 Bell Street, Davidson County Tax Map 18-16, Parcels 18 & 19. However, if it is established that new construction in the area has not been required to provide one car attached garages, with the exception of tornado damaged related homes, this request will be reconsidered by this board. Motion seconded by Sanders. Motion passed unanimously, 3-0.

ORDER OF THE BOARD

WHEREAS; the public has been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14-1408 (a)(b)(c) of the Goodlettsville Zoning Ordinance have not been met, and

WHEREAS, the Board has determined that adverse impact will occur,

NOW, THEREFORE, BE IT ORDERED, the request for a zoning variance to the R-10 residential zoning district requirement of a one-car garage for new construction at 216 Bell Street, Davidson County Tax Map 18-16, Parcels 18 & 19 be denied. However, if it is established that new construction in the area has not been required to provide

one-car attached garages, with the exception of tornado damaged related homes, this request will be reconsidered by this board.

CASE NO. 07-09-530 Consider the request for a Conditional Use Permit to allow a drop-in day care center at Rivergate Mall, 1000 Rivergate Parkway, Davidson County Tax Map 34-02, Parcel 76. The applicants are Kelly and Betsy Bosch, 204 Bellmore Avenue, Nashville, TN.

Staff reviewed. Gregory reported this request is to use retail space inside Rivergate Mall as a drop-in day care facility. While this facility will operate as a Day Care facility, without benefit of a stand-alone facility and/or structure, the business is a permitted use under Other Personal and Group Care facilities. The requirements of the ordinance can only be partially applied since this request is to use space inside the mall as a walk-in facility. No dedicated parking, drop off care traffic or outdoor play area will be involved. The questions before the board is whether this proposed use fits within the conditional use facility requirements of the ordinances.

Mosier asked the applicant the total number of children the facility will care for. Kelly Bosch stated service is characterized as a casual child care setting allowing a maximum of fourteen children at any given time. The facility must meet all State of Tennessee drop-in child care requirements. Approval by CBL Properties Regional Offices to lease the space is pending. The facility will encompass the established business hours of Rivergate Mall.

Motion by Sanders for conditional approval of a Conditional Use Permit to allow a drop-in day care center at Rivergate Mall, 1000 Rivergate Parkway, Davidson County Tax Map 34-02, Parcel 76 based on compliance with the State of Tennessee requirements for drop-in child care and a lease agreement with CBL Properties. Motion seconded by Jernigan. Motion passed unanimously, 3-0.

ORDER OF THE BOARD

WHEREAS; the public has been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14-1409 (e)(3) of the Goodlettsville Zoning Ordinance have been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, the request for a Conditional Use Permit to allow a drop-in day care center at Rivergate Mall, 1000 Rivergate Parkway, Davidson County Tax Map 34-02, Parcel 76 is conditionally approved based on compliance with the State of Tennessee requirements for drop-in child care and a lease agreement with CBL Properties.

CASE NO. 07-09-531 Consider the request for a Conditional Use Permit to allow a mini-warehouse facility at North Main Street (adjoining properties – Campground North and CSX Railroad), Davidson County Tax Map 18-08, Parcel 48. The applicant is James Paradise, French Landing Investors, P.O. Box 426, Joelton, TN.

Staff reviewed. Gregory reported the location, size and design of the facility are compatible with the surrounding developments. Fencing, screening and landscaping are required on-site, but undetermined by this submittal. The building elevations depict smooth face concrete block and metal siding, which are prohibited building materials. The 30% of the building depicting split face block is an acceptable building material. Buildings fronting streets are required to contain 50% brick or stone. Separation of buildings by at least 20 feet is required. Five hundred square feet per storage unit is the most permitted. Prohibition of heavy truck traffic is also a requirement.

James Paradise, French Landing Investors, stated that it is his intent to meet all zoning requirements. The design hasn't been completed to-date. The street front elevation will contain 100% brick with a high quality building as the finished product. Controlled environments are being considered for some of the buildings and will be based on compiled marketing analysis.

Motion by Sanders for conditional approval of the Conditional Use Permit to allow a mini-warehouse facility at North Main Street (adjoining properties – Campground North and CSX Railroad), Davidson County Tax Map 18-08, Parcel 48 based on applicant's compliance with all Goodlettsville Zoning Ordinance regulations. Motion seconded by Jernigan. Motion passed unanimously, 3-0. 137

ORDER OF THE BOARD

WHEREAS; the public has been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section 14-1409 (b)(c)(d)(f)(3) of the Goodlettsville Zoning Ordinance have been met, and

WHEREAS, the Board has determined that adverse impact will not occur,

NOW, THEREFORE, BE IT ORDERED, the request for a Conditional Use Permit to allow a mini-warehouse facility at North Main Street (adjoining properties – Campground North and CSX Railroad), Davidson County Tax Map 18-08, Parcel 48 is conditionally approved based on applicant's full compliance with the Goodlettsville Zoning Ordinance.

CASE NO. 07-09-532 Consider the request for a Zoning Ordinance variance to the maximum 750 square feet requirement for residential garages. The applicant is Andrew Ward, 407 Rosehill Court, Davidson County Tax Map 26-07, Parcel 27.

Staff reviewed. Gregory reported this request if for an additional ten feet of garage floor space over the required maximum of 750 square feet requirement for garages. No established requirements in Chapter 14, Section 1405(c) of the Zoning Ordinance have been presented to permit the Board to grant this request.

Andy Ward stated the foundation for the garage has been poured. The additional ten feet requested will permit a workshop and appropriate truck vehicle storage. Ward added that if the ten feet is too large a variance consideration, an additional five feet would allow for a shop area and workbench. Gregory stipulated that the 750 square feet maximum garage square footage was adopted in 2006 to accommodate two cars and limit other uses of the garage in residential areas. An ordinary expansion must be a physically attached addition to the existing residence. Ward asked if a breezeway would be acceptable. Gregory answered no. Ward questioned if the breezeway attachment would be acceptable if it were heated/cooled. Gregory answered this would be permissible. Sanders stated that no hardship has been established to allow the board to grant a variance of additional footage. Gregory explained that this variance request is a self-created hardship by the applicant. Ward stated he is not requesting the variance due to a hardship. He appreciates the Board protecting the existing neighborhood; however, the lot is very large, many other homeowners in the residential development have large free-standing garages and he is requesting an addition of only five feet of square footage to the garage.

Motion by Sanders to deny the request for a Zoning Variance to the Goodlettsville Zoning Ordinance regarding the request for five (5) feet of additional garage floor space above the maximum of 750 square feet requirement for garages in residential zoning districts based on the applicant's inability to meet the standards for a zoning variance request and to acknowledge that this board, regarding this matter, will not set a precedence relating to this zoning requirement. Motion seconded by Jernigan. Motion passed unanimously, 3-0.

ORDER OF THE BOARD

WHEREAS; the public has been adequately notified, and

WHEREAS; the Board has determined that the requirements of Chapter 14, Section Chapter 14, Section 14-1405(c) of the Goodlettsville Zoning Ordinance have not been met, and

WHEREAS, the Board has determined that adverse impact will occur,

138 NOW, THEREFORE, BE IT ORDERED, the request for a Zoning Variance to the Goodlettsville Zoning Ordinance regarding the request for five (5) feet of additional garage floor space above the maximum of 750 square feet requirement for garages in residential zoning districts is denied based on the applicant's inability to meet the standards for a zoning variance request and to acknowledge that, regarding this matter, this board will not set a precedence relating to this zoning requirement.



Tom Mosier, Chairman



Vicky Ignatz, Recording Secretary